

United States District Court

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CODY RAY MCFADDEN,

Defendant.

CRIMINAL COMPLAINT

Case No. 22-MJ-230-JAR

I, Richard Harvey, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about July 17, 2022, in the Eastern District of Oklahoma, **CODY RAY MCFADDEN** violated Title 18, United States Code, Sections 1201(a)(2), 1151, and 1153, an offense described as follows: **Kidnapping in Indian Country.**

I further state that I am a Special Agent with Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit of Richard Harvey, which is attached hereto and made a part hereof by reference.)

☒ Continued on the attached sheet.

R. Harvey

Richard Harvey, Special Agent
Federal Bureau of Investigation
Complainant

Sworn to before me and subscribed in my presence at: MUSKOGEE, OKLAHOMA

Date: August 11, 2022.

JASON A. ROBERTSON

UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

Jason A. Robertson

Signature of Judicial Officer



AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Richard Harvey, being duly sworn, depose and state the following:

AGENT BACKGROUND AND INTRODUCTION

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) where I have been employed since January 2011. I am an investigative officer, or law enforcement officer, of the United States of America within the meaning of Title 18, United States Code (U.S.C.), Section 2510(7), that is an officer of the United States who is empowered by law to conduct investigation of, and make arrests for, offenses enumerated in Title 18. In the course of my duties as special agent, I have investigated criminal violations related to Indian Country crimes, as explained in Title 18, U.S.C. § 1151 and as it pertains to the Major Crimes Act (MCA). Further, I have conducted and participated in a variety of criminal investigations and have received extensive training in a variety of law enforcement topics, including, but not limited to violent fugitives, robbery, carjacking, kidnapping, drug trafficking, criminal gangs, illicit firearms, national security, child exploitation, child pornography, and related offenses.

PROBABLE CAUSE

2. There is probable cause to believe that Cody Ray McFadden ("MCFADDEN") committed the offense of Kidnapping in Indian Country, in violation Title 18, U.S.C. §§ 1201(a)(2), 1151, and 1153.

3. The statements contained in this Affidavit are based on information provided by other agencies, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, and my experience, training, and background as a Special Agent with the FBI.

4. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to believe that MCFADDEN committed the offense of Kidnapping in Indian

Country, I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part.

5. VENUE: The events alleged in this affidavit occurred in McAlester, Oklahoma, within the Eastern District of Oklahoma. The events occurred within the Choctaw Nation Reservation, which is Indian Country as defined in Title 18, U.S.C. § 1151, and within the special maritime and territorial jurisdiction of the United States.

6. DEFENDANT: MCFADDEN's date of birth is July XX, 1988. MCFADDEN is an Indian and is an enrolled member by blood of the Sisseton-Wahpeton band of the Sioux Tribe based in Lake Travers, South Dakota, a federally recognized Indian tribe.

7. VICTIM: The victim in this matter is A.T. A.T. is an Indian and is an enrolled member by blood of the Choctaw Nation, a federally recognized Indian tribe.

8. BACKGROUND: On or about July 17, 2022, deputies with the Pittsburg County Sheriff's Office ("PCSO") were dispatched to 9041 Redbird Drive in McAlester, Oklahoma for a domestic violence report.

9. When the deputies arrived, they encountered A.T. A.T. was inside of a neighboring residence, and had injuries to her head, arms, legs, and back. A.T. was bruised and bleeding in these locations. A.T.'s left arm was wrapped in a towel.

10. A.T. told deputies that on July 16, 2022, she went to MCFADDEN's residence to check on him. A.T. is McFadden's ex-girlfriend and used to reside with him.

11. A.T. told deputies MCFADDEN barricaded her inside of the residence, assaulted her with a fiberglass rod, and forced her into a dog cage.

12. After forcing her into the dog cage, MCFADDEN locked it, confining her inside.

13. While A.T. was confined in the dog cage, MCFADDEN assaulted her again with the fiberglass rod. MCFADDEN also sprayed A.T. with pepper spray and subjected her to electrocution, using an extension cord.

14. Additionally, during this time period, MCFADDEN pointed a crossbow at the dog cage and stated he would shoot A.T.

15. A.T. stated that she was able to escape from the dog cage after MCFADDEN struck the cage with an axe. A.T. stated the axe strike bent the cage in a way that allowed her to get out.

16. A.T. claimed that as she was attempting to escape, MCFADDEN struck her in the head with the axe.

17. A.T. claimed she dove out of a broken window and ran to the neighboring property for help.

18. A.T. was transported by ambulance to the McAlester Regional Hospital to obtain treatment for her injuries. Deputies later learned A.T. was treated for a fractured left forearm and other injuries.

19. After A.T. was transported to the hospital, deputies used a public address system to attempt to call MCFADDEN out of the residence at 9041 Redbird Drive.

20. While deputies were attempting to call MCFADDEN out of the residence, MCFADDEN exited on multiple occasions, but told deputies not to get any closer to him before repeatedly returning to the residence.

21. Deputies feared MCFADDEN was armed and deployed cannisters of oleoresin capsicum gas into the residence. Approximately eighteen (18) to thirty (30) minutes after the deputies first deployed the gas into the residence, deputies observed flames on the southeast side of the residence.

22. MCFADDEN was observed crawling out from underneath the residence and was taken into custody.

23. On or about July 18, 2022, a search warrant was issued for the 9041 Redbird Drive residence. In the course of executing the search warrant, deputies observed and photographed an animal cage consistent with the description provided by A.T.

24. Based on a review of this case and based on my knowledge and experience, I have probable cause to believe Cody Ray McFadden committed the offense of Kidnapping in Indian Country in violation of Title 18, United States Code, Sections 1201(a)(2), 1151, and 1153.

Respectfully Submitted,



RICHARD HARVEY
Special Agent, FBI

Sworn before me this 11th day of August, 2022.



UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF OKLAHOMA